



Entered on Docket
August 13, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

**ORDER SUSTAINING TWENTY-FIRST OMNIBUS OBJECTION OF THE
USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS
EXCEPT PROOF OF CLAIM NOS. 10725-01683, 01684, 00723, AND 00751 FILED
BY JAMES E. McKNIGHT; PROOF OF CLAIM NO. 10725-01208 FILED ON
BEHALF OF PETE MONIGHETTI; PROOF OF CLAIM NO. 10725-00276 FILED
BY THE MICHAEL FAMILY TRUST; AND PROOF OF CLAIM NO. 10725-01208
FILED ON BEHALF OF D.G. MENCHETTI**

The USACM Liquidating Trust (the “USACM Trust”) filed its Twenty-First Omnibus Objection to Claims Asserting Secured Status [DE 3174] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed with the Court as follows:

- Response was filed by James E. McKnight [DE 3488] regarding Claim Nos. 10725-01683, 10725-01684, 10725-00723, and 10725-00751. Counsel filed a motion for summary judgment as to these claims on July 30, 2007 [DE 4291]. Counsel deleted Mr. Knight’s claims from the Exhibit to the Twenty-First Omnibus Objection attached to this Order.

- Response was filed by Ronald H. Pacheco, acting as agent for Pete Monighetti [DE 3536] pertaining to Claim No. 10725-01208. Counsel filed a motion for summary judgment as to this claim on July 30, 2007 [DE 4291]. Counsel deleted Mr. Monighetti’s claim from the Exhibit to the Twenty-First Omnibus Objection attached to this Order.

- Informal opposition from Michael Family Trust by Alain Michael pertaining to Claim No. 10725-00276. Counsel filed a motion for summary judgment as to this claims on July 30, 2007 [DE 4291]. Counsel deleted the Michael Family Trust’s claims from the Exhibit to the Twenty-First Omnibus Objection attached to this Order.

- Response filed by the Mantas Group on behalf of D. G. Menchetti [DE 3507] pertaining to Claim No. 10725-02306. An Order Approving Stipulation with counsel allowing the claim as an unsecured claim, albeit subject to further objection, was

1 signed by this Court on June 4, 2007 [DE 3887]. Counsel deleted D.G. Menchetti's claim
2 from the exhibit to the Twenty-First Omnibus Objection attached to this Order.

3 No other responses were filed with this Court. The Objection came before the
4 Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

5 ORDERED:

- 6 • Sustaining the USACM Trust's Twenty-first Omnibus Objection to Claims
7 Asserting Secured Status;
- 8 • Reclassifying the Proofs of Claim listed on Exhibit A attached as general
9 unsecured claims; and
- 10 • Reserving the right of any party in interest, including the USACM Trust, to
11 further object to any and all claims listed on Exhibit A attached as unsecured claims or
12 otherwise, whether or not the subject of this Objection.

13 ###

14 PREPARED AND SUBMITTED:

15 **LEWIS AND ROCA LLP**

16
17 By: /s/ RC (#0006593)
18 Susan M. Freeman
19 Rob Charles
Attorneys for USACM Liquidating Trust

1
2 APPROVED/DISAPPROVED

3
4 James E. McKnight
5 James E. McKnight

6 APPROVED/DISAPPROVED

7
8
9 Alain Michael, Michael Family Trust

APPROVED/DISAPPROVED

Ronald H. Pacheco, agent for Pete Monighetti

APPROVED/DISAPPROVED

BOLICK & BOYER

By: Erven T. Nelson, NV 2332
Attorneys for Mantas Group

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☒ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b) (Ronald H. Pacheco, Alain Michael; and Erven T. Nelson).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☐ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
Attorneys for USACM Liquidating Trust

21st Objection to Claims Asserting Secured Status - Reclassify as General U

<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>
1 Mcconnell Family Trust Dtd 12/3/81 James & Maudrene Mcconnell Ttees 970 Fairway Blvd Incline Village, NV 89451	10725-01667	12/8/2006	\$54,500.00
2 Mcconnell Family Trust Dtd 12/3/81 James M & Maudrene F Mcconnell Ttees 970 Fairway Blvd Incline Village, NV 89451	10725-01615	12/8/2006	\$123,616.62
3 Mcconnell Family Trust Dtd 12/3/81 James M & Maudrene F Mcconnell Ttees 970 Fairway Blvd Incline Village, NV 89451	10725-01612	12/8/2006	\$54,600.00
4 Mcconnell Family Trust Dtd 12/3/81 James M & Maudrene F Mcconnell Ttees 970 Fairway Blvd Incline Village, NV 89451	10725-01613	12/8/2006	\$146,166.73
5 Mcconnell Family Trust Dtd 12/3/81 James M & Maudrene F Mcconnell Ttees 970 Fairway Blvd Incline Village, NV 89451	10725-01614	12/8/2006	\$163,950.00
6 Mcconnell IRA, James M 970 Fairway Blvd Incline Village, NV 89451	10725-01616	12/8/2006	\$307,125.01
7 McGrath Revocable Trust, Michael T Michael T McGrath Ttee 66 Schanda Dr Newmarket, NH 03857-2151	10725-02289	1/12/2007	\$268,660.73
8 Mchugh, Randi 4790 Caughlin Pkwy #239 Reno, NV 89509	10725-00581	10/13/2006	\$50,000.00
9 Mchugh, William 335 Desert Meadow Ct Reno, NV 89502	10725-00580	10/13/2006	\$100,000.00
10 McKennon, Mary 303 Esplanade Newport Beach, Ca 92660	10725-00967	11/2/2006	\$50,000.00

11**12****13****14**

15	Mcmahon, Gary 2605 E Flamingo Rd Las Vegas, NV 89121	10725-00597	10/16/2006		\$55,000.00
16	Mcmichael Living Trust Dtd 12/16/88 J Richard & Karen L Mcmichael Ttees 13840 18Th Ave Sw Burien, WA 98166-1049	10725-00451	10/5/2006		\$52,416.00
17	Mehlman IRA, Marina 2027 Hathaway Ave Westlake Village, CA 91362-5171	10725-00596	10/16/2006		\$112,088.96
18	Melinda & Richard David Estevez #1 8916 Balboa Blvd Northridge, CA 91325-2609	10728-00058	10/4/2006	\$	51,095.00
19	Melinda & Richard David Estevez Acct #2 8916 Balboa Blvd Northridge, CA 91325-2609	10728-00057	10/4/2006	\$	331.52
20	Melinda & Richard David Estevez Acct #3 8916 Balboa Blvd Northridge, CA 91325-2609	10728-00059	10/4/2006	\$	68,000.00
21	Memon, Shahnaz 7210 Native Dancer Dr Reno, NV 89502	10725-00567	10/12/2006		\$753.28
22					
23	Michael & Jo Ann L Maloney Revocable Tr Michael J & Jo Ann Maloney Ttees 2198 Peyton Park St Henderson, NV 89052-7053	10725-01033	11/6/2006		\$50,000.00
24					
25	Michael M. Alldredge & Ellen M. Alldredge 3720 Socrates Dr. Reno, NV 89521-4507	10725-00697	10/23/2006		\$50,000.00
26	Michael S Freedus Dds Pc Defined Benefit Plan 2535 Lake Rd Delanson, NY 12053	10725-02144	1/11/2007		\$251,370.92
27	Michael S. Braida Ira First Savings Bank, Custodian 1168 Dover Lane Foster Citv. CA 94404	10725-00607	10/16/2006		\$100,967.00
28	Michaelian Holdings, LLC 413 Canyon Greens Dr Las Vegas, NV 89144	10725-02433	1/12/2007		\$1,267,075.50
29	Michel F & Patricia A Aiello Trust Agt Dtd 10/4/94 Michel F & Patrica A Aiello Ttees 312 Ski Way Incline Villaae. NV 89451-9223	10725-00269	9/27/2006		\$50,000.00

30	Michelle Revocable Trust Dtd 05/03/02 Diana Forde Ttee 4956 Ridge Dr #83 Las Vegas, NV 89103	10725-00034	4/27/2006	\$30,788.99
31	Millar Dr, Russell 923 Ceres Rd Palm Springs, CA 92262	10725-02139	1/11/2007	\$22,942.06
32	Millar Dr, Russell 923 Ceres Rd Palm Springs, Ca 92262	10725-02140	1/11/2007	\$12,285.97
33	Millar, Russell 923 Ceres Rd Palm Springs, CA 92262	10725-02137	1/11/2007	\$60,000.00
34	Millar, Russell 923 Ceres Rd Palm Springs, CA 92262	10725-02138	1/11/2007	\$100,000.00
35	Miller Trust Dated 8/13/87, Gary I & Barbara 2832 Tilden Ave Los Angeles, CA 90064	10725-02037	1/11/2007	\$555,683.00
36	Miller, Steve H & Karen L 7527 E Pasaro Dr Scottsdale, AZ 85262	10725-02119	1/11/2007	\$128,810.89
37	Milton Leroy Owens Md Inc C/O Milton Leroy Owens Trustee Defined Benefit Pension Plan & T 1094 W 7Th St San Pedro, CA 90731-2928	10725-00569	10/12/2006	\$26,129.00
38	Mirzaian, Katrine 708 Prospect Dr Glendale, CA 91205	10725-01953	1/10/2007	\$344,011.56
39	Molina & Schmuker, Sergio & Irene Po Box 859 12150 S Dart Rd Molalla, OR 97038	10725-01210	11/10/2006	\$50,000.00
40	Molina & Schmuker, Sergio & Irene Po Box 859 12150 S Dart Rd Molalla, OR 97038-0859	10725-01211	11/10/2006	\$50,000.00
41	Mollie Schoichet & Henrietta Aronson 21150 Point Pl Apt 606 Aventura, FL 33180-4034	10728-00051	9/27/2006	\$100,000.00
42				
43	Moon Trustee Of The Decedent'S Trust, Frieda Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10725-00010	5/22/2006	\$51,033.34

44	Moon Trustee Of The Decedent`S Trust, Frieda Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10725-00015	5/23/2006	\$51,076.38
45	Moon Trustee Of The Decedent`S Trust, Frieda Of The Restated Moon Irrevocable Trust 2504 Callita Ct Las Vegas, NV 89102	10725-00016	5/23/2006	\$25,538.20
46	Moore, Ernest J 2028 I St Sparks, NV 89431	10725-02007	1/10/2007	\$101,522.07
47	Moore, James 2009 Willow Tree Ct Thousand Oaks, CA 91362	10725-00750	10/25/2006	\$50,000.00
48	Moore, Kathleen J 1603 Lefty Garcia Way Henderson, Nv 89002	10725-00107	8/7/2006	\$28,136.73
49	Moore, Kathleen J 1603 Lefty Garcia Way Henderson, Nv 89002	10725-00108	8/7/2006	\$21,523.00
50	Moore, Kathleen J 1603 Lefty Garcia Way Henderson, Nv 89002	10725-00109	8/7/2006	\$30,072.37